

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRAD AMOS,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 3:21-cv-00923
)	Judge Richardson
THE LAMPO GROUP, LLC,)	Jury Demand
)	
)	
Defendant.)	

PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION IN LIMINE NO. 11

Plaintiff, Brad Amos, through undersigned counsel, agrees with Defendant regarding “Golden Rule” testimony, but moves that the Court deny Defendant’s Motion in Limine Number 11 relative to “sending a message.”

Plaintiff and Defendant agree that asking the jury to put themselves in Plaintiff’s shoes is prejudicial.

However, recent caselaw from other parts of the circuit indicate asking jury to “send a message” is appropriate in cases where punitive damages are being sought. Responding to similar motions in limine, the Eastern District of Michigan stated: “When punitive damages are available in a case, however, “Send a Message” arguments—specifically, imploring the jury to send a message to the defendants through its punitive damages award—may be permissible, given that the purposes of punitive damages are “deterrence and retribution.” Bell v. Korkis, No. 19-CV-13565, 2025 WL 972830, at *4 (E.D. Mich. Apr. 1, 2025)(citing *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 416 (2003)). The court denied the defendant’s motion, continuing: “Plaintiff may argue that the jury should “send a message” with its verdict

on punitive damages, as long as any such argument is appropriately aimed at retribution for the instant conduct.” *Id.* at *5(citing *Clark v. Chrysler Corp.*, 436 F.3d 594, 609-10 (6th Cir. 2006)). As Plaintiff is seeking punitive damages in this matter, arguments relating to “sending a message” are more than likely appropriate.

For the above reasons, Plaintiff respectfully moves the Court to deny Defendant’s eleventh motion in limine and allow arguments relating to “sending a message” pertaining to punitive damages.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was served electronically via the Court’s CM/ECF system this 30th day of June, 2025 to the following:

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